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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION SEVEN

JUSTINE H.,

B212064

Petitioner,

(Super. Ct. No. CK54628)

v.

THE SUPERIOR COURT OF THE STATE
OF CALIFORNIA FOR THE COUNTY OF
LOS ANGELES,

Respondent.

LOS ANGELES COUNTY DEPARTMENT
OF CHILDREN AND FAMILY SERVICES,

Real Party in Interest.

Writ petition to review order made at a hearing at which the juvenile court ordered a hearing under Welfare and Institutions Code section 366.26. Stephen Marpet, Juvenile Court Referee. Petition dismissed.

Law Offices of Barry Allen Herzog, Ellen L. Bacon and Linda Simmons for Petitioner.

No appearance for Respondent.

Raymond G. Fortner, Jr., County Counsel, James M. Owens, Assistant County Counsel, Byron G. Shibata, Senior Associate County Counsel for Real Party in Interest Los Angeles County Department of Children and Family Services.

Justine H. seeks writ relief (Welf. & Inst. Code, § 366.26 subd. (I));¹ Cal. Rules of Court, rule 8.452) from denial by the juvenile court of her request for an order requiring the Los Angeles County Department of Children and Family Services (Department) to investigate placement of her two dependent children in the home of their maternal grandparents. (§ 361.3.) This order was made at a hearing conducted at the conclusion of the statutory limit for reunification (§ 366.22), at which time the court entered an order setting a section 366.26 permanency planning hearing.²

We dismiss the petition because Justine H. lacks standing to seek appellate review of the order denying relative placement.

FACTS AND PROCEDURAL BACKGROUND

In January of 2007, shortly after Justine H.'s son J. C. was born with drugs in his system, the Department filed a petition under section 300 seeking to declare him and his 14-month-old sister D. C. dependent children of the juvenile court. On June 18, 2007 Justine H. submitted to the section 300 petition on the basis of the Department's reports (*In re Malinda S.* (1990) 51 Cal. 3d 368). The juvenile court sustained the petition and ordered family reunification services for Justine H.

Justine H. received 18 months of reunification services. In its report for the 18-month review hearing, initially set for July 24, 2008, the Department recommended termination of reunification for Justine H.'s failure to comply with her case plan. Justine H. requested a contested hearing. The 18-month hearing was ultimately conducted on October 29, 2008 after three continuances. At the hearing Justine H.

¹ All statutory references are to the Welfare and Institutions Code unless otherwise indicated.

² Although the order challenged by Justine H. was not an order "that a hearing pursuant to this section to held" (Pen. Code, § 366.26, subd. (I)), it is subject to section 366.26, subdivision (I) and rule 8.452, California Rules of Court. (*In re Anthony B.* (1999) 72 Cal.App.4th 1017, 1022-1024; *In re Tabitha W.* (2006) 143 Cal.App.4th 811, 816.)

withdrew her request for a contest, but requested that the juvenile court order the Department to investigate placement of the children with their maternal grandparents in Oregon through initiation of an Interstate Compact for the Placement of Children evaluation. (Fam. Code, § 7900 et seq.) The court denied Justine H.’s request as untimely. At the conclusion of the hearing the court found that returning the children to Justine H.’s care would create a substantial risk of detriment to their well-being, and proceeded to terminate reunification and set the matter for a hearing pursuant to section 366.26.

DISCUSSION

Justine H. lacks standing to seek appellate review of the juvenile court’s order denying her request for an evaluation of the grandparents’ home for the children’s placement, because her interests are not prejudiced by this order. Justine H.’s interest in the dependency proceeding is to reunify with her children. The juvenile court’s decision not to consider placement of the children with their grandparents, made contemporaneously with its order terminating reunification services for Justine H., does not adversely affect that interest. (*Cesar V. v. Superior Court* (2001) 91 Cal.App.4th 1023, 1035.) Justine H. does not show, or even allege, more than a nominal interest in the consequence of the juvenile court’s denial of her relative placement request.³ Any prejudicial effect on Justine H.’s interest is thus merely

³ The sole reported decision on which Justine H. relies, *In re Joseph T.* (2008) 163 Cal.App.4th 787, is legally distinguishable from the instant case. In *Joseph T.* the Court of Appeal held that, at the six-month review hearing (§ 366.21, subd. (e)), a father was entitled to request evaluation of a relative’s home for the placement of his dependent child. The court explained that the relative placement preference continues to apply “while reunification efforts are still ongoing,” because “relative caregivers are more likely to favor the goal of reunification and less likely than nonrelative caregivers to compete with the parents for permanent placement of the child.” (*In re Joseph T.*, at p. 797.) In this case, the juvenile court’s order denying Justine H.’s relative placement request was made contemporaneously with its order terminating reunification services, hence the holding of *In re Joseph T.* has no application to her case.

speculative. (See *In re Valerie A.* (2007) 152 Cal.App.4th 987, 1000.) “To be aggrieved, a party must have a legally cognizable immediate and substantial interest which is injuriously affected by the court’s decision. A nominal interest or remote consequence of the ruling does not satisfy this requirement.” (*In re Carissa G.* (1999) 76 Cal.App.4th 731, 734; see also *In re Harmony B.* (2005) 125 Cal.App.4th 831, 837-838.) The only interest affected by the order Justine H. attempts to challenge at this point in the proceedings is the grandparents’ interest in having the children placed with them. (*Cesar V.*, at pp. 1034-1035; *In re Gary P.* (1995) 40 Cal.App.4th 875, 876-877; *In re Jasmine J.* (1996) 46 Cal.App.4th 1802, 1806-1807.) “An appellant cannot urge errors which affect only another party who does not appeal.” (*In re Vanessa Z.* (1994) 23 Cal.App.4th 258, 261.) Because Justine H. is not aggrieved by the order she challenges, this court is without jurisdiction to consider her claim.

DISPOSITION

The petition is dismissed.

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JACKSON, J.

We concur:

PERLUSS, P. J.

WOODS, J.